

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Advanced Chemical Recycling Inc.
(ACRI)
801 East Walnut Avenue
Pasadena, California 91101

ID No. CAL 000 203 163

Respondent.

Docket HWCA 2006 1115

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and ACRI (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transports hazardous waste at 13030 Los Nietos Road, Santa Fe Springs, California (Site).

1.3. Inspection. The Department inspected the Site on June 9, 2005, October 20, 2005, and January 18, 2006.

1.4. Authorization Status. The Department has authorized the Respondent to transport hazardous waste by Hazardous Waste Transporter Registration #4285 which expires on February 28, 2007.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violation alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violation as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

2.1.1. Respondent violated Health & Safety Code, Section 25160.2(b) in that on or about June 2005, ACRI failed to prepare a manifest at the end of each day for consolidated transportation of waste antifreeze.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following: ACRI shall prepare a separate manifest by each vehicle driver, with respect to each transport vehicle operated by that driver for each date.

3.1.1. Respondent has corrected the violation set forth above.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order

may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department the total sum of TEN THOUSAND FIVE HUNDRED DOLLARS (\$10,500). Respondent shall make the payment of this sum in two installments, as follows: FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$5,250) will be paid on or before August 28, 2006 and \$5,250 will be paid on or before November 28, 2006.

5.2. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mukul Agarwal, Supervisor Hazardous Substances Scientist
Southern California Branch
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

and

James J. Grace, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

5.3. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: July 31, 2006

Original signed by Robert Sommerman, Owner
Robert Sommerman, Owner
Advanced Chemical Recycling, Inc.
Respondent

Dated: August 7, 2006

Original signed by Mukul Agarwal
Mukul Agarwal
Supervisor Hazardous Substances Scientist
Statewide Compliance Division
Department of Toxic Substance Control